

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PERRY ADAM GREER,

Defendant-Appellant.

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UNPUBLISHED

August 26, 2008

No. 278575

Wayne Circuit Court

LC No. 06-011075-01

Before: Cavanagh, P.J., and Jansen and Kelly, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of felonious assault, MCL 750.82, and possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b. He was sentenced to a two-year term of imprisonment for the felony-firearm conviction and a one-year term of probation for the felonious assault conviction. Defendant appeals as of right, and we affirm. This appeal has been decided without oral argument. MCR 7.214(E).

Leroy Parker was home with his mother and other family members when defendant forced his way through the locked side door with a firearm in his hand and told Parker to “come here.” Parker ran and hid behind a couch in the living room until he saw defendant coming toward him with the firearm. Parker jumped out the front window and ran toward the back of the house. Defendant followed Parker to the backyard. While running, Parker looked back and saw that defendant had aimed the firearm at him. Defendant then fired two shots from approximately 30 to 50 feet away. According to Parker, at least one bullet flew past him. Parker “ducked and continued to run,” and after jumping a fence, ran to a nearby church. Once there, Parker called police to report the incident. Parker attempted to go back to his house, but stopped when he observed defendant standing in the driveway. Parker turned back and flagged down an approaching police car.

Parker flagged down a police officer approximately one block away from his house. The officer commented, “it seemed to me that [Parker] was like hiding behind a building like he was scared, as if he were in fear.” After the officer’s arrival at the Parker house, defendant told the officer that he had fired the gun into the air. The officer searched defendant and confiscated a firearm, two spent casings, a new box of ammunition, a magazine from defendant’s pocket, and a magazine from inside the weapon. Both magazines were loaded with live ammunition. Upon inspecting the house, the officer observed that the side door had been damaged and that the front window had been broken out.

After specifically determining that defendant had intended to frighten Parker or to place him in apprehension of an immediate battery, the trial court found defendant guilty of felonious assault and felony-firearm.

We review a challenge to the sufficiency of the evidence de novo. *People v McGhee*, 268 Mich App 600, 612; 709 NW2d 595 (2005). We view the evidence in a light most favorable to the prosecution to determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Nowack*, 462 Mich 392, 399; 614 NW2d 78 (2000). “Circumstantial evidence and reasonable inferences arising therefrom may be sufficient to prove the elements of a crime.” *People v Avant*, 235 Mich App 499, 505; 597 NW2d 864 (1999).

To be convicted of a felonious assault, the defendant must have: (1) assaulted another person, (2) with a dangerous weapon, and (3) with the intent to injure or place the victim in reasonable fear or apprehension of an immediate battery. *Id.*; *People v Lawton*, 196 Mich App 341, 349; 492 NW2d 810 (1992); see also MCL 750.82. Defendant only challenges the sufficiency of the evidence with respect to the third element—the intent to injure or place Parker in fear of an imminent battery. “Intent, like any other fact, may be proven indirectly by inference from the conduct of the accused and surrounding circumstances from which it logically and reasonably follows.” *Lawton, supra* at 349 (citation omitted).

In this case, the evidence established that defendant arrived at Parker’s home with a firearm and a significant amount of ammunition, that he forcefully entered Parker’s home with a firearm drawn, that he approached Parker with the firearm readily apparent in his hand, that he followed Parker to the backyard after Parker had jumped out the front window, and that he fired two shots, at least one of which apparently came close to striking Parker. This evidence, considered on the whole, was sufficient to raise a reasonable inference that defendant intended to place Parker in fear or apprehension of imminent harm. *Id.* at 350. We conclude that there was sufficient evidence presented from which a rational trier of fact could have found that the elements of felonious assault were proven beyond a reasonable doubt. *Id.* Because defendant possessed a firearm during the commission of the felonious assault, we also conclude that there was sufficient evidence presented at trial to convict defendant of felony-firearm.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Kathleen Jansen  
/s/ Kirsten Frank Kelly